1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 UNITED STATES OF AMERICA, 10 Plaintiff, Case No. CR04-372L 11 v. ORDER CONTINUING TRIAL DATE 12 JOHN FELIX. 13 Defendant. 14 This matter comes before the Court on the joint motion to continue trial date (Dkt. # 50). 15 Based on the records and files herein, the joint motion of the parties, and the April 21, 2005 16 status conference, the Court finds that: 17 The trial in this matter is scheduled for April 25, 2005; 1. 18 2. On March 8, 2005, defendant filed an ex parte motion for new counsel (Dkt. # 44). 19 That motion was granted on March 11, 2005 (Dkt. # 47), and current defense counsel, Mr. 20 Robert W. Goldsmith, was appointed to represent defendant on March 24, 2005 (Dkt. # 48); 21 3. At the April 21, 2005 status conference, Mr. Goldsmith informed the Court that he 22 has not had an opportunity to interview witnesses or otherwise fully prepare for trial in this 23 matter. The parties have further informed the Court that Mr. Goldsmith has a trial in another 24 matter scheduled to begin on April 25, 2005, the same day that this trial is scheduled to begin; 25 26 27 ORDER CONTINUING TRIAL 1 **DATE** 28

- 4. After having conferred with counsel, defendant informed the Court that he understood the reasons for a continuance and stipulated to the need for a continuance until June 1, 2005, with the understanding that the trial would be scheduled for May 23, 2005;
 - 5. The government consents to the continuance;
- 6. The ends of justice outweigh the best interest of the public and the defendant in a speedy trial. Failure to grant a continuance would deny defense counsel adequate time to prepare the matter for trial and, in light of the scheduling conflict with the current trial date, jeopardize the continuity of counsel.

For all the foregoing reasons, IT IS HEREBY ORDERED that the trial date is continued from April 25, 2005 to May 23, 2005.

IT IS FURTHER ORDERED that pursuant to Title 18, United States Code, Section 3161(h), the period of time from the date of this order to June 1, 2005 is excluded in the computation of time under the Speedy Trial Act.

DATED this 21st day of April, 2005.

MMS Casnik

United States District Judge

ORDER CONTINUING TRIAL